legislation, by the business community, the environmental community, and the press. That is coal to liquids—that matter is going to be resolved this afternoon, hopefully; CAFE, which hopefully will be resolved in the next 24 hours; and then we have the renewable portfolio standards we are always working on. We hope we can get that done in some manner. There are other important amendments, but I mentioned the top three. We have what we have to complete prior to the July 4 recess. It is up to us how much time we take. If we happen to finish this conglomeration of legislation earlier, it would be to the good of the order, but if we aren't able to do that, we are going to have to stay here, which would be sometime Saturday evening.

MEASURE PLACED ON CALENDAR—S. 1639

Mr. REID. Madam President, I understand that S. 1639 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

S. 1639, a bill to provide for comprehensive immigration reform, and for other purposes.

Mr. REID. I would object to further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Under rule XIV, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the first half of the time under the control of the Republican leader or his designee, and the second half of the hour controlled by the majority leader or his designee.

Who seeks recognition?

The Senator from Georgia.

EMPLOYEE FREE CHOICE ACT

Mr. ISAKSON. Madam President, it is my understanding that at some point in time in the near future we will have a bill brought to the floor known as the Employee Free Choice Act. I thought this morning I would take a few minutes to discuss the Employee Free Choice Act, what I think it means, why I think it is here, but why we are where we are today in America in terms of labor and management relations.

At the beginning of the last century, the Industrial Revolution began in full force. As a byproduct of it, America went to a manufacturing society, a creative society. Business flourished—textiles, automobile production, manufacturing of all types.

Out of that came huge employment opportunities. Out of it came large companies, and out of it, unfortunately, came abuse of workers. In the 1920s it became obvious something had to be done. In 1935, this Congress and the President then signed the Wagner Act, which created the National Labor Relations Board, and for 72 years since then, our country has flourished under the rules and regulations of the National Labor Relations Board, and addressing the rights of workers.

It also created the opportunity for workers to join together, to unionize, to collectively bargain, and to negotiate. It has served America well. What has happened over those 72 years is the creation of a plethora of worker benefit programs backed by the U.S. Government. Prior to 1935, there was little if any federal worker protection laws. Out of that grew the demand for organization and ultimately unions, and out of that came the Wagner Act. Since then have come the following: OSHA, the Occupational Safety and Health Administration; the National Labor Relations Board; the Equal Employment Opportunity Commission; a new minimum wage, recently raised on the signature of the President here; the adverse effect wage rate, to protect those who come to this country and work as immigrants, to ensure they are not taken advantage of; workers compensation, a universal plan to make sure that workers in high-risk jobs have compensation for injuries they incur in the workplace; not to mention the Mine Safety & Health Administration, the Nuclear Regulatory Commission, and literally hundreds of agencies in the American Government today, created since 1935, for the protection of workers. Those all came about because workers deserved that protection in terms of their health, their safety, their compensation, and other benefits that arise.

Now, why did those laws come to pass? They came to pass because the union movement began to organize businesses and got management's attention, and management responded, and where it did not, the Government responded.

Now, how did the union system work under the Wagner Act? It was very simple. It said: If 30 percent of the employees of a company decide they want to sign off on a card saying they want a vote as to whether that company should unionize, they get the chance to have that vote, that vote, as sought by labor, and as was demanded in fact by the organizers, a secret ballot. It was a secret ballot because, in large measure, workers did not trust management. They thought company ownership would intimidate a worker, threaten a worker, try and prohibit them from making their own free choice, so they insisted on the secret ballot, just as our Founding Fathers did, and just as we today protect the secret ballot for those who vote for or against us, and for or against amendments to our Constitution or any referendum that comes before them.

So the secret ballot allowed brave people to vote, in privacy, as to whether they wanted to be organized. If they were organized, if they voted 50 percent plus one to organize, they could form a union. If they formed that union, they then had the right to collectively bargain, use the strength of their numbers with management, negotiate contracts to protect themselves and their interests, and bargain for benefits.

That is not a bad system. It is a neutral system. It is a fair system. When you got the 30-percent signatures, you then had a neutral system where management had the opportunity to tell you all the reasons why they were going to be better and you did not need to organize; and labor had all the opportunity they needed to tell you why not to believe that and that you needed to organize.

Out of that came a vote, a private vote, a secret ballot vote. If 50 percent plus one voted for it, the union got to organize.

Now, what does the Employee Free Choice Act say? It says: Well, you are no longer going to have the opportunity of avoiding intimidation because we are going to take away the secret ballot. We are going to say: If union leaders decide they want to come in and organize a company that is not unionized, they can get 50 percent plus one to sign off on a card chit and you have a union. There is no vote. There is just the card sign-off, but it is not signed off in secret. You no longer have the neutrality to have the opportunity of management getting the chance to make its case. You have a negative environment of worker against company and, worst of all, as I read the legislation, as I understand it, it would then say: The first contract with the company is not negotiated, it is written by Federal mediators.

Give me a break. We are going from a system that has improved America to the safest, most productive, most opportunistic country in the world, where we have no child labor, we have minimum wages, we have hourly standards, we have worker protections, we have overtime, we have comp time, we have OSHA, we have regulatory commissions of every type to ensure, and we have good union management relationships in most places in this country.

Why is this before us? It is before us because there has been a decline in union membership. It is before us because the problems that gave way to the union movement have been solved in large measure, and we have responded with the laws necessary to

protect people and their rights regardless of age or sex or disability. We have done that.

But the union movement has not changed with the times. There are exceptions. There are many great relationships today. One of them is SMACNA, the Sheet Metal and Air Conditioning Contractors' National Association. I happen to know a little bit about these folks because of my work in development and construction. They have a partnership with their union. It is not an adversarial relationship. They have taken advantage of the Wagner Act.

We must preserve a system that protects workers. Ours is a neutral system, a level playing field for those who wished to be organized and those who wished for organization not to take place. They have a level platform.

I don't know why it is coming to the floor. I don't know why it is not going through the committee system. I don't know why it is going to be a quick 1-day vote, which is my understanding of the way it will be.

I will stake my claim on 72 years of success under the Wagner Act, under the right to protect and continue to protect the secret ballot, and of my desire to see to it that we honor those things we have created in response to the bad things that happened in the early part of the 20th century. Why change a good thing? Yes, we have a decline now in the union movement. Buy why do you all of a sudden create a situation of intimidation, an unbalanced situation, an uneven playing field, all for the sake of trying to save a movement that won't save itself?

I submit there is today, has been in the past, and will be in the future a viable place for the collective bargaining of workers and for unions but not if it is an unlevel playing field, not if the company and management don't have the same equal rights as do those workers, and not, most importantly, if those workers don't have protection of the secret ballot.

As I understand it, the vast majority, over 70 percent of union members, like the secret ballot. Over 70 percent of Republicans and Democrats—far more than that—like the secret ballot and think card check is crazy. To date, the only thing I have seen endorsing card check in print was the 2005 Communist Party convention in the United States which endorsed card check and the Employee Free Choice Act. Give me a break. This is one time where we ought to ratify what is right with America, ratify the success we have had in the past, honor the ills we corrected, honor the employees who make America work, continue to see to it that the employees do have a free choice, a private choice, a secret ballot, and continue to work in the greatest country on the face of this Earth with the greatest worker protection of any nation in the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, later today a great injustice is going to be hoisted upon the American people, and a great shame about this injustice is that a great many Americans won't even hear about it. If our friends on the other side—if their plans hold, later today they will call up H.R. 800, the horribly misnamed Employee Free Choice Act, which would deny workers all over this great country their right to cast a private ballot when choosing whether to join a union. I find it pathetic that at a time when our Nation is at war, every day additional illegal immigrants enter our borders, and energy prices are at their peak, our friends on the other side are turning away from the important business the American people sent us here to do and are instead insisting on spending the next couple of days paying back their union cronies.

If I am not mistaken, I recall reading that the energy package is the ''second highest legislative priority'' for our friends on the other side in the Senate. I guess that means that because we are interrupting that ''high'' priority, paying back the unions must be their very first priority.

Much has already been said about the denial of a National Labor Relations Board-supervised and protected secret ballot election, a private vote on whether employees want to be represented by a union. It seems to me that the Democrats' and the unions' real objection to private ballot elections is not the form of vote, a secret ballot versus card check; their real objection is ever since the 1947 Taft-Hartley amendments, the law allows employers to communicate with their employees about union organization. What unions really want is to silence the employer during a union organizing campaign through a card check process. Then the union would be able to persuade or even intimidate the employees so the union can be certified based on a card check as soon as the union gets to a majority, no matter how ephemeral that support really is.

What that means is that if the union gets 50 percent plus one talking to the employees, then that company automatically becomes unionized without a secret ballot election. But it is even worse than that. The way they have drafted this bill, it will lead to mandatory arbitration, which will result in the Government setting the terms and conditions of employment, even pension plans. That is even worse than the card check aspect, which is about as bad as it gets. The real key for the unions is that the process be within the union's control and before the employer has an opportunity to communicate with the employees. In effect, the unions want to force employer neutrality based on the employer's inability to respond to a union organizing campaign.

How quick must the quick certification process be to satisfy unions? NLRB statistics reveal that in 2006, 94.2 percent of all initial representation elections were conducted within 56 days of the filing of the petition with the NLRB and that the median time was 39 days. Apparently for union organizers, a little over a month is too long for them to maintain majority support, although it is important to note that under the current secret ballot election procedures, unions still win about 60 percent of all elections. That is fine as long as there is a balance in these programs, as long as both sides are treated fairly.

Also union authorization cards make it virtually impossible for employees to change their minds, which can happen in the privacy of the voting booth. Revoking a signed union authorization card is virtually impossible today, when cards are used to trigger NLRB-supervised elections. You can imagine how hard it would be for an employee to revoke a signed card under a card check process.

The U.S. Supreme Court has said that union authorization cards are ''inherently unreliable'' indicators of employee support. Even unions themselves have stated that union authorization cards are less reliable than NLRB-protected private ballot elections. But the real reason unions seek card check is not because it is more reliable but because it can be controlled entirely by the union before the employer can address the union campaign propaganda. What that really means is that employees will be denied an informed choice.

Under current law, to convince employees to vote for a union, the union may use the pressures of the employee polls and interrogation. Unions may make predictions. They may promise benefits, whether achievable or not, and they may make false statements about the employer. It may well be that the labor leaders have never been able to negotiate the wages and benefits they promise will result from the formation of a new union. It may be that the union, in fact, has negotiated contracts with other employers in the same industry and geographic area that are less generous than the employees currently receive at the location being organized. The union's claims about the employer's safety record, its compliance with employment laws, its business practices, its executive compensation, its future business plans, and so forth are grossly exaggerated. If we silence employers, who is going to inform the employees of these facts? Certainly not the union.

Of course, employees may know well that in general their employer would prefer not deal with a union, but if, as a result of card check, employers are prevented from responding to a union's campaign misstatements, who will?

That is not a license for an employer to threaten, intimidate, or coerce employees during an organizing campaign. Under current law, employers are not permitted to threaten, coerce, or promise new benefits or threaten withdrawal of existing benefits. But under

current law, the employer can respond factually to the campaign-puffing of the union so that the choice made by the employees is an informed choice. Through a quickie card check process, that ability will effectively be denied.

So let's be clear: When down the road the union lobby offers to compromise by preserving secret ballot elections supported by a majority, even a supermajority, of signed union authorization cards but only where such secret ballot elections are conducted by the NLRB in a week or two from the date the union files an election petition, it will be no compromise. There are still a few of us around who remember the quickie election provision of the so-called labor law reform bill in 1977 and 1978. The unions then, just as today, were seeking to in effect silence employers during union organizing campaigns. Today, they are seeking that result by denying workers secret ballot elections. If they thought they could get away with it, unions would have Congress repeal employer free speech rights entirely.

Denial of employee secret ballot elections and denial of free speech vital to ensure an informed choice doesn't sound very much like employee free choice to me. It sure doesn't sound very democratic with a small ''d'' or even a large ''D.'' That is only part of it. If you get into the mandatory arbitration that will inevitably occur because they won't be able to negotiate, in fairness, union contracts, you are going to have the wonderful people here in the Federal Government telling not only the unions but especially the businesses what they can and cannot do. They will set the terms and conditions of employment by mandatory arbitration and, in the end, they will also basically determine things such as pension plans. This isn't right.

We believe in secret ballot elections in this country. We believe in fair processes. As I have said, the process works pretty well because unions win 60 percent of these elections. When they win fairly, that is the right thing. That may be a good thing. The fact is, under this bill, it stacks the whole labor process in favor of one side—the unions—and takes away the rights of employers to be able to inform their employees of the truth if there are misrepresentations by the union and, even if there aren't, to inform their employees how much better off they may be without a union so that they can make truly an informed choice. There are decent provisions in the labor laws that permit a reasonable, decent, honorable process.

What really interests me is that the trade union movement is demanding a secret ballot election process in other countries. Why would they demand it in other countries and yet deny it here for both employers and employees in these very important decisions that have to be made by employees under our current very fair laws?

Right now, the balance is a little bit in favor of unions. That is maybe as it should be. But at least it is a balance. Both sides have basically an equal chance of keeping unions, accepting unions, or denying unions.

Frankly, one of the reasons my friends in the trade union movement want this type of an unfair process is because they have been losing members. It is easy to see why. We are on an energy bill right now that may be the death knell of our automobile industry if we don't handle it exactly right. The fact is, we could lose the American automobile industry, run by Ford, General Motors, and Chrysler, if we don't handle it properly. We will go to foreign-made cars. That would be disastrous, in my opinion. But part of the reason is the unions have negotiated contracts that are so expensive that a lot of the companies just can't produce the high-quality cars at reasonable prices that they used to be able to do.

There are good reasons for unionization. I am one of the few people here who actually held an AFL–CIO union card. I came up through the trade union movement, learned a trade through a formal apprenticeship, became a journeyman, a skilled tradesman. I believe in unions. I believe in a fair collective bargaining process. But it ought to be fair. One of the ways you make it fair is by having secret ballot elections. In this particular case, this hoax which is going to be brought up on the floor and done in a very quickie way is not the way to go.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

OUR NUCLEAR DETERRENT

Mr. DOMENICI. Mr. President, for more than six decades, the bedrock of American national security has been a strong, reliable, and cutting-edge nuclear deterrent. Literally thousands of the best scientists and engineers in the world have dedicated themselves to ending World War II, winning the Cold War, and protecting the free world.

Each year, the Directors of the three national nuclear weapons laboratories must certify to the President, and through him to the rest of the United States, that our nuclear weapons systems are reliable. That certification process assures Americans, and warns our adversaries, that the Nation's nuclear stockpile will be able to continue to perform its basic mission—prevention of a nuclear weapons exchange.

During these six decades, discussion of the nature and size of our nuclear deterrent has been literally constant. Each year, hundreds of scientists, engineers, and global strategists devote innumerable hours and days to intense discussions of the proper strategy for the Nation and the proper nuclear stockpile to implement that strategy.

Each year, Presidents have recommendations based upon the work of specialists inside and outside the Federal Government. Since the end of physical testing of our nuclear weapons stockpile—a big event; and, in fact, a major event in American nuclear weapons evolution, the idea we would no longer test our weapons—America has relied on a concept called stockpile stewardship to try to keep our nuclear weapons resources certifiably reliable.

This Nation has already embarked upon, and through three different Presidents has reaffirmed, a commitment to physical testing-free testing that has cost billions of dollars. Our strategy has been simple: the most reliable weapons without physical testing, upgraded as strategy dictates.

At the same time, the United States has embarked on a major reduction in the size of our stockpile and in the nuclear stores of other nations. We have done this through programs this Senator has supported and authored during the past 20 years. I salute Senator RICHARD LUGAR, my colleague from Indiana, and former Senator Sam Nunn of Georgia, for their groundbreaking work in forging these programs, and I am proud I have been able to work with them in these critical efforts.

Because of these initiatives—the Nunn-Lugar, Nunn-Lugar-Domenici, the Nuclear Cities Initiative, the Global Initiative for Proliferation Prevention, the Nuclear Nonproliferation Research and Development Program, and others—our world is safer.

In total, under Nunn-Lugar, we have deactivated 6,982 warheads, 644 ICBMs, 485 ICBM silos, 100 mobile ICBM launchers, 155 bombers, 906 air-launched cruise missiles, 436 submarine-launched ballistic missile launchers, 611 submarine-launched ballistic missiles, 30 strategic missile submarines, and 194 nuclear test tunnels. Indeed, nine more warheads were deactivated in the last month.

We have offered thousands of Russian nuclear scientists alternative pay and occupations, in hopes they will be less susceptible to blandishments from other parties. We are sharing nonproliferation efforts with other nations beyond the former Soviet Union states.

In more stark terms, under the Washington-Moscow Treaty, ratified by the Senate and signed by the President, we will have in our nuclear stockpile, by 2013, fewer weapons than at any time since the era of President Eisenhower. We will have fewer nuclear weapons than we had, in other words, before the Cold War began in earnest.

So this two-pronged approach—international cooperation against proliferation and for elimination of weapons, coupled with the inception of Science-Based Stockpile Stewardship—has been America's strong response to the need to reduce the danger of both nuclear